

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

FARRAH M. FARR, PHILLIP BROWN  
and KRISTOF & COMPANY, INC.,

Plaintiffs,

v.

KOMMERINA DALING,  
JOHN O'SULLIVAN,  
SARAH WILSON-BRITT, in her  
individual and official capacity,  
MATT TATE, in his individual and  
official capacity, and THE CITY OF  
GAINESVILLE, GEORGIA,

Defendants.

CIVIL ACTION FILE  
NO. 2:22-cv-00133-SCJ

**MOTION TO DISMISS SECOND AMENDED COMPLAINT**

COME NOW, Defendants Sarah Wilson-Britt (“Ms. Wilson-Britt”), in her individual and official capacity, Matt Tate (“Mr. Tate”), in his individual and official capacity, and the City of Gainesville, Georgia (the “City”) (Ms. Wilson-Britt, Mr. Tate, and the City are collectively, the “Defendants”), and hereby file this Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. In support of this Motion, Defendants incorporate their Memorandum of Law filed herewith.

WHEREFORE, Defendants respectfully request that the Court grant the Motion to Dismiss and dismiss Plaintiffs' claims in Counts III through V and VIII through the remaining counts<sup>1</sup> of their *Second Amended Complaint for Damages, Declaratory Relief and Permanent Injunctive Relief* (the "Second Amended Complaint") and upon resolution of the federal claims and to the extent any state law claims remain, decline to exercise its supplemental jurisdiction over the remaining state law claims.

Respectfully submitted this 21<sup>st</sup> day of March 2023.

**FREEMAN MATHIS & GARY, LLP**

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<sup>1</sup> The Second Amended Complaint contains multiple claims identified as Count VIII beginning at page 35 of the Second Amended Complaint, resulting in a misnumbering of the remaining counts.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing *MOTION TO DISMISS SECOND AMENDED COMPLAINT* to the Clerk of Court using the CM/ECF *e-filing* system which will automatically send electronic mail notification of such filing to the following counsel of record:

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This 21<sup>st</sup> day of March, 2023.

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